

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES



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In the Matter of )

Otto Bock HealthCare North America, Inc., )

a corporation, )

Respondent. )  
\_\_\_\_\_

Docket No. 9378

**ORDER GRANTING JOINT MOTION TO MODIFY  
FIRST REVISED SCHEDULING ORDER**

On April 13, 2018, Federal Trade Commission (“FTC”) Complaint Counsel and Respondent Otto Bock HealthCare North America, Inc. (“Ottobock”) filed a Joint Motion to Modify the First Revised Scheduling Order, together with a Proposed Second Revised Scheduling Order (“Joint Motion”).

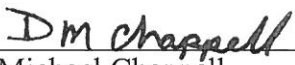
Under Rule 3.21(c)(2), the Administrative Law Judge may extend any deadline provided under the scheduling order, other than the date of the evidentiary hearing, upon a showing of good cause. 16 C.F.R. § 3.21(c)(2). The requested extensions relate to or arise from expert discovery. This is the first request by the parties for any modification of the scheduling order.<sup>1</sup> In addition, the brief extensions requested by the parties will not interfere with the need to conclude the evidentiary hearing and render an initial decision in a timely manner. For these reasons, and based on representations made in the discussion on April 12, 2018, referenced in the Joint Motion, good cause exists to extend deadlines in the First Revised Scheduling Order as requested by the parties. However, in order to ensure that non-parties have sufficient time to file a motion for *in camera* treatment after receiving notice of intent to offer confidential materials as evidence at trial pursuant to 16 C.F.R. § 3.45(b), the deadline for parties that intend to offer confidential materials of an opposing party or non-party as evidence at the hearing to provide notice to the opposing party or non-party, pursuant to 16 C.F.R. § 3.45(b), will remain as May 1, 2018. Similarly, the deadline for Respondent to provide its exhibit list will remain as May 1,

<sup>1</sup> The First Revised Scheduling Order issued in this case on January 24, 2018, was necessitated by the January 19, 2018 Commission Order and the partial shutdown of the federal government.

2018. Respondent shall provide its witness list and summary of the testimony of each witness, copies of its exhibits, and its basis of admissibility for each proposed exhibit by May 8, 2018.

Based on the foregoing, and with the referenced modifications, the Joint Motion is GRANTED. A Second Revised Scheduling Order is being issued separately.

ORDERED:

  
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D. Michael Chappell  
Chief Administrative Law Judge

Date: April 16, 2018